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DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER HAMILTON, LALITA M	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/758,112
Filing Date: January 03, 2001
Appellant(s): BOUBEZ ET AL.

James O. Skarsten
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 13, 2007 appealing from the Office action mailed December 29, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claim 1 appears on page 18 of the Appendix to the appellant's brief. The minor errors are as follows: In claim 1, the first limitation should read "receiving a registration request **at the data processing system...**", and the last limitation should read "registering the service description in the identified category **using the data processing system...**".

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Poon (US 2002/0062265).

Poon discloses a method and corresponding apparatus with means and computer program product with instructions in a data processing system for facilitating user selection of an item category in an online auction comprising receiving a registration request, the registration request including a service description and an identification of a category within the taxonomy in which the service is to be registered, determining if the service description should be registered in the identified category based on a canonical service description associated with the category, and registering

the service description in the identified category if the determination is that the service description should be registered in the identified category (p.49-50, para.26-32); the canonical service description identifies minimum criteria for the category (p.49-50, para.26-32); registering the service description in the category includes storing the service description and an associated model description in a storage in association with the category (p.49-50, para.26-32); implementation in a service broker within at least one network (p.49-50, para.26-32); if it is determined that the service description should be registered in the category, a determination is made as to whether a request to add a new category is received (p.49-50, para.26-32); if a request to add a new category is received, a determination is made as to whether to add the new category, and wherein if the new category is added, the service description is registered in association with the new category (p.49-50, para.26-32); the canonical service description includes information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements and communication protocol requirements (p.49-50, para.26-32); if it is determined that the service description should not be registered in the category, searching the taxonomy for an alternate category in which the service description should be registered and registering the service description in the alternate category (p.49-50, para.26-32); searching the taxonomy for an alternate category includes searching one or more of sibling, parent and child categories of identified category within a predetermined range of the identified category the taxonomy (p.49-50, para.26-32); searching the taxonomy for an alternate category includes searching the taxonomy for a category in which the service description meets

requirements of canonical service description associated with the alternate category (p.49-50, para.26-32); and receiving a registration request at the service broker device, the registration request including a canonical service description and an identification of a category within the taxonomy in which the service is to be registered, determining if the service description should be registered in the identified category based on a canonical service description associated with the category, wherein the canonical service description includes information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements, or communication protocol requirements, if the determination is that the service description should be registered in the identified category, registering the service description in the identified category; and if the determination is that the service description should not be registered in the identified category, searching the taxonomy for an alternate category in which the service description should be registered and registering the service description in the alternate category, and storing the service description and an associated model description in a storage device in association with the registered category (p.49-50, para.26-32).

(10) Response to Argument

The Appellant argues that Poon does not disclose the limitations of claim 1. In response, Poon discloses the following:

- receiving registration request including a service description and an identification of a category within the taxonomy in which the service is to be registered

- determining if the service description should be registered in the identified category based on a canonical service description associated with the category
- registering the service description in the identified category using the data processing system if the determination is that the service description should be registered in the identified category

In response, Poon discloses:

- receiving registration request including a service description and an identification of a category within the taxonomy in which the service is to be registered (registration request including a service description and an identification of a category within the taxonomy in which the service is to be registered (p.50, 29).
- determining if the service description should be registered in the identified category based on a canonical service description associated with the category (server applicant accesses the table 620 in the database 318 to retrieve and send stored category and subcategory information to the client. Each field 610 of one category or subcategory separately stores a category number or numeric I.D. of the category or subcategory (p.49, 1st paragraph). The client browser performs a test whether the selected category has no related subcategories, then the user has the option to record the category number of ht selected category and may further proceed with the registration process (p.50, 29).

- registering the service description in the identified category using the data processing system if the determination is that the service description should be registered in the identified category (p.50, 29—a test of whether the subcategory has related subcategories is performed, and if it does not exist, the user has the option to register the subcategory).

Poon discloses registering the service description in the identified category using the data processing system if a result of applying the one or more canonical service description tests is that the service description should be registered in the identified category (p.50, 29—a test of whether the subcategory has related subcategories is performed, and if it does not exist, the user has the option to register the subcategory).

The Appellant argues that Poon is concerned with auction items and not service descriptions. In response, Poon discloses service descriptions for auction items, which may be goods or services. On p.11 of the Applicant's specification, a service is said to be any service that may be provided or contracted via a network. Auctions may be used to provide or contract services to the highest bidder.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Lalita M. Hamilton, Primary Examiner

Art Unit: 3691

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